



United States
Department of
Agriculture

Forest
Service

Sawtooth National
Forest

Burley/Twin Falls Ranger
Districts
3650 S. Overland Ave.
Burley, Id. 83318-3242
208-678-0430
208-737-3200

File Code: 2810/2850

Date: September 23, 2000

Mr. Michael Pauletto
22310 NE Hillside Drive
Vancouver, WA 98682

Interstate Rock Products, Inc.
Mr. Michael Cates
1705 W. 100 N.
Tremonton, Utah 84337

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DIVISION OF
OIL, GAS AND MINING

Notice of Noncompliance - Certified Receipt Requested

Dear Mssrs. Pauletto and Cates:

This letter is to document and give you written notice that your operations in the Clarks Basin Area of the Raft River Division, Sawtooth National Forest are in noncompliance of Federal Regulations found in 36 CFR 22.8, requirements for environmental protection. This letter is based on field inspections by myself and our Mining Engineer, Jeff Gabardi on Thursday, September 14 and discussions with you at our meeting on Wednesday, September 20, 2000.

During the September 14 field inspection, it was noted that the following activities had taken place:

Road Construction

- The access road to Clarks Basin that crossed Private Land had been bladed with a dozer to the Bown's Dove Creek Quarry. From that point, an existing 2-track road that traveled across section 14 to the northwest quarter of section 13 had been reconstructed or new road had been constructed in several locations.
- A new section of road had been constructed between Bown's Dove Creek Quarry and the riparian area. Soil from the new road had been side cast into the riparian area approximately 300 feet to a point where the road intersected the existing 2-track road.
- There had been an unsuccessful attempt to construct a road around a spring. A wet spot and culvert in the road cut indicated water would still saturate the roadbed.
- Approximately 3,500 feet of road had been constructed to eliminate a steep pitch by following the contour around the head of a drainage. Several roads had been cut across the hillside. The upper road ended at Bown's excavator, where a small pit approximately 20 x 20 feet had been dug. The lower road led to an area being stripped of topsoil and developed into a quarry. A road between the other two had been constructed but apparently was not suitable and had been recontoured with an excavator.
- Sections of the existing 2-track road had been ripped in several locations where the new road bypassed it.
- On the day of inspection, Mr. Cates was hauling waste rock from the quarry he was



developing (in section 13) to portions of the newly constructed road to use as surfacing material. Topsoil had been stockpiled along the road and the surface material was being backfilled in the low spots.

- Black plastic pipe, approximately 8-inch diameter, was used as culvert pipe at the spring area and also at drainage crossings, at approximately five locations.

Quarry Development

- At the end of the newly constructed road, an area of approximately 3 acres had been cleared with a dozer in an attempt to begin quarrying rock. There appeared to be no attempt to salvage topsoil (growing medium). Soil and waste rock had been dozed to the periphery to the quarry to expose the underlying rock. At least three attempts had been made to find the appropriate rock to be quarried.

Equipment / Storage

- In addition to the D6 Caterpillar dozer parked on the new road access, there was an excavator, front-end loader, dump truck, utility trailer, storage trailer, and fuel tank parked at the new quarry location.

Our September 14 inspection was prompted by the fact that we had received no reclamation bond. Since the activities were outside of any approved plan, Mr. Cates was requested to stop all mining activities until a review of the current plans could be made, to determine if any portion of this work had been previously approved. **Until a new Plan of operations is approved, by the Sawtooth National Forest, your operations will remain in noncompliance, and no removal of rock from the quarry will be authorized.**

On Wednesday, September 20, I met with you, your representatives and later that afternoon with Msrs. Bill and Preston Bown (Bowns) to sort out what had been approved, what wasn't approved, and what needed to be done to bring both you and the Bowns into compliance with our regulations. It was determined that your operations to date are outside any approved Forest Service authorization including our August 13, 2000 authorization sent to you, Mr. Cates, and Mr. Riordan and any authorization for the Bown's State of Utah Notice of Intent to Commence Large Mining Operation dated April 28, 1998. As discussed in our meeting, the following actions will be taken:

- I will draft an agreement requiring you to pay the expense of having Forest personnel (Biologists, Hydrologist, Archeologist, Engineers, etc.) evaluate the possible disturbance/damage to archeological sites, wetlands, riparian areas, and possible impacts to threatened and endangered plant and animal species that may have occurred during your road building and stripping at the unauthorized quarry. I will request Forest personnel be made available as soon as possible to visit the site. **Possible future citations may be based on their findings.**
- Jeff Gabardi will conduct a Mineral Classification of the rock to determine if it is a locatable commodity managed under the 36 CFR 228A – Locatable Regulations or a mineral material sold under the 36 CFR 228C Regulations.
- Jeff Gabardi will calculate a reclamation bond to address the existing disturbance. You

will be required to post a bond based on that estimate. The bond will be held until a new plan is approved or until final reclamation is completed.

- You will prepare a new Plan of Operations and/or appropriate State of Utah Mine Plan detailing the work you propose to develop a quarry at this location and other proposed sites in the Clarks Basin area. Your plans need to include road access alternatives including those that may involve other quarry operators.
- The Forest will provide you a list of contractors that do environmental analyses and prepare NEPA documents on a third party basis.

It was noted during our meeting, that you accepted full responsibility for the road construction and will be responsible for any reclamation and/or mitigation required this fall to prevent further degradation to the environment. You will need to take the following actions immediately:

- Remove the plastic culverts and fill material from the drainages, and redefine the drainages.
- Place water-bars throughout the newly constructed road. A Forest representative will be made available to determine the best location and frequency for water-bars.
- Recontour a 100 ft. section of road at a location between the Bown's Dove creek Quarry and the spring to prevent vehicles from driving near the riparian area along the stream.
- Seed the entire road disturbance area including the road bed and cut and fill areas, topsoil stockpiles, and recontoured road sections. The recommended seed mix is 40% Bluebunch wheatgrass, 30% Slender wheatgrass, 20% Basin wildrye, and 10% Blue flax. This seed mixture is required to be certified noxious weed free.
- At this time, no recontouring will be required within the quarry site until the mine plan and road access issues have been resolved. The topsoil material within the quarry footprint will require seeding.
- Where the fence was cut near the quarry, remove the temporary opening and replace the wires.
- Remove all of your equipment and personal property from the Forest.

The seven items listed above will need to be completed by October 17 or the Forest will complete the work and further legal actions will be taken. If you have any questions please contact Carmela Romerio or me at the Burley Ranger District (208) 678-0430.

Sincerely,

FOR  (Acting)
DONALD E. "PETE" PETERSON
District Ranger

Cc: Mr. Lynn Kunzler, State of Utah, Dept. of Natural Resources, DOGM, 1594 West North Temple, Suite 1210, PO Box 145801, SLC, UT 84114-5801

Interstate Rock – Clarks Basin Quarry September 20, 2000 Meeting

In attendance were the following:

Name	Representing	Phone No.
Pete Peterson	Burley District Ranger	208-678-0430
Carmela Romerio	Burley District Range Conservationist	208-678-0430
Jeff Gabardi	Mining Engineer – Sawtooth Forest	208-737-3205
Lynn Kunzler	State of Utah – Dept. of Oil Gas and Mining	801-538-5310
Mike Pauletto	I and P Investment	360-921-4172
Michael Cates	Interstate Rock Products, Inc.	435-279-6455
Dick Riordan	R.F. Riordan Consultants	801-943-3062